

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

WENDY WARSHAUER

Plaintiffs,

v.

DERMASET INC.,

Defendant.

) Case No.: 1:21-cv-00174 NONE JLT
)
) ORDER TO PLAINTIFF TO SHOW CAUSE WHY
) SANCTIONS SHOULD NOT BE IMPOSED FOR
) THE FAILURE TO COMPLY WITH THE
) COURT'S ORDERS AND TO PROSECUTE THIS
) ACTION; ORDER CONTINUING SCHEDULING
) CONFERENCE
)

The plaintiff initiated this action on February 11, 2021. (Doc. 1) The Clerk of Court issued summons the next day (Doc. 3) The order setting the mandatory scheduling conference reads,

The Court is unable to conduct a scheduling conference until defendants have been served with the summons and complaint. Accordingly, plaintiff(s) shall diligently pursue service of summons and complaint and dismiss those defendants against whom plaintiff(s) will not pursue claims. Plaintiff(s) shall promptly file proofs of service of the summons and complaint so the Court has a record of service. Counsel are referred to F.R.Civ.P., Rule 4 regarding the requirement of timely service of the complaint Failure to timely serve the summons and complaint may result in the imposition of sanctions, including the dismissal of unserved defendants.

(Doc. 4 at 1) However, the plaintiff has not filed proofs of service, and no defendant has appeared in the action. Therefore, the Court **ORDERS**,

1. **No later than May 10, 2021**, the plaintiff **SHALL** show cause why sanctions should not be imposed for the failure to prosecute this action and to serve the summons and complaint in a timely fashion as ordered. Alternatively, the plaintiff may file proofs of service demonstrating the

1 summonses and complaint have been served;

2 2. The scheduling conference is **CONTINUED** to **July 12, 2021** at 8:30 a.m.

3 **Failure to respond may result in the Court recommending dismissal of the action.**

4
5 IT IS SO ORDERED.

6 Dated: **April 27, 2021**

/s/ Jennifer L. Thurston
7 CHIEF UNITED STATES MAGISTRATE JUDGE